

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)
) Chapter 13
WALTER AVERY DODD and)
REBECCA SUSAN DODD,) Case No. 07-61180-crm
)
Debtor.)

NOTICE OF ASSIGNMENT OF HEARING

PLEASE TAKE NOTICE that WALTER AVERY DODD and REBECCA SUSAN DODD have filed a "**MOTION TO EXCUSE DEFAULT**" (the "Motion") with the Court seeking an order suspending plan payments.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion in **U.S. Courtroom, 1203, United States Courthouse, 75 Spring Street, SW, Atlanta, Georgia,** at **10:00 a.m. on October 28, 2008.** Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Spring Street, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

This 24th day of September, 2008.

JONES & WALDEN, LLC

/s/ Monica L. Vining

Monica L. Vining
Georgia Bar No. 727897
21 Eighth Street, NE
Atlanta, Georgia 30309
(404) 564-9300

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DEBTORS' MOTION TO EXCUSE DEFAULT

COME NOW Walter Avery Dodd and Rebecca Susan Dodd, the Debtors in the above-styled Chapter 13 Bankruptcy Case, and file this "DEBTORS' MOTION TO SUSPEND PLAN PAYMENTS," and respectfully show as follows:

1.

On or about January 26, 2007, the Debtors filed their Voluntary Petition for relief under Chapter 13 of the United States Bankruptcy Code. Nancy J. Whaley is the properly appointed and duly acting Chapter 13 Trustee.

2.

On or about June 12, 2007, the Court entered its Order confirming the Debtors' Chapter 13 Plan.

3.

In January 2008, Debtor Rebecca Susan Dodd was involved in a serious automobile accident and was in a comatose state for several months. While Ms. Dodd has regained consciousness, she suffered severe brain damage during the accident and is currently re-learning basic day-to-day tasks. Currently, Ms. Dodd's physicians are unable to determine if and/or when Ms. Dodd will ever return to work. As such, Ms. Dodd is unable to work and is receiving no income.

4.

Due to the accident, Debtors have been unable to maintain their plan payments and are delinquent in payments to the Chapter 13 Trustee in the amount of \$5,034.00.

5.

Pursuant to this Motion the Debtors respectfully request that the Court excuse the default in plan payments in the amount of \$5,034.00.

6.

Contemporaneously herewith Debtors have filed a "Post-Confirmation Chapter 13 Plan Modification" and "Amended Schedules." Such pleadings should resolve any remaining term problems. Plan payments shall resume in October 2008.

WHEREFORE the Debtors pray that this Court

- (a) Grant the Motion and excuse the default in plan payments in the amount of \$5,034.00; and
- (b) Grant the Debtors such other and further relief as is just and proper.

Respectfully submitted this 24th day of September, 2008.

JONES & WALDEN, LLC

/s/ Monica L. Vining

Monica L. Vining
Georgia Bar No. 727897
Attorney for Debtor
21 Eighth Street, NE
Atlanta, Georgia 30309
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of "DEBTORS' MOTION TO EXCUSE PAYMENTS" on all parties referenced below by depositing a copy of same in the United States Mail, postage prepaid to the party named below and to those parties on the attached mailing matrix:

Nancy J. Whaley
Chapter 13 Trustee
Suite 120
303 Peachtree Center Avenue
Atlanta, GA 30303

This 24th day of September, 2008.

JONES & WALDEN, LLC

/s/ Monica L. Vining
Monica L. Vining
Georgia Bar No. 727897
Attorney for Debtor
21 Eighth Street, NE
Atlanta, Georgia 30309
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